

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WISCONSIN

PATT KOLESAR and
RAY KOLESAR,

Plaintiffs,

ORDER

09-cv-326-bbc

DOUGLAS HUFFMAN,

Involuntary Plaintiff,

v.

MICHELE MOLNAR and
JAMIE DANBURG

Defendants.

This case involves a contract dispute over a show dog. Plaintiffs filed suit in Circuit Court for Wood County, Wisconsin. Defendants removed the case and have moved to dismiss the case for lack of personal jurisdiction and plaintiffs have moved to remand the action to state court. Both motions are still being briefed. Now before the court is plaintiffs' motion to stay briefing of defendant's motion to dismiss on the ground that plaintiff's motion to remand should be decided first. Dkt. #11.

Plaintiffs' motion to stay briefing will be denied. Both motions involve jurisdictional questions and "there is no mandatory sequencing of jurisdictional issues." Sinochem International Co. v. Malaysia International Shipping Corp., 549 U.S. 422, 431 (2007) (internal quotations omitted). Because "a federal court has leeway to choose among threshold grounds for denying audience to a case on the merits," id., it makes no sense to stay briefing on one jurisdictional question until another one is decided.

ORDER

IT IS ORDERED that plaintiffs' motion to stay briefing of defendants' motion for lack of personal jurisdiction, dkt. #11, is DENIED.

Entered this 19th day of June, 2009.

BY THE COURT:

/s/

STEPHEN L. CROCKER
Magistrate Judge